

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEMPTIONS for)
DUQUESNE UNIVERSITY) Misc. No. 09-239
PRACTITIONER IN RESIDENCE AND)
DUQUESNE UNIVERSITY STUDENTS)
Journalism 471, Spring Semester 2024)
)

SUPPLEMENTAL ORDER

This Order supplements the February 12, 2024 Order [ECF No. 133] (the “DU Class Exemption Order”). All defined terms in the DU Class Exemption Order have the same meaning herein. The DU Class Exemption Order granted the Applications of DU Practitioner Ward and the DU Students [ECF Nos. 119 – 131] for exemption from the fees imposed for access, via the PACER System, to the electronic case files maintained by this Court in connection with the defined scholarly research project for the DU Class.

The present matter is before the Court upon the application of LYDIA MUSSER [ECF No. 135] for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts solely for uses of the PACER System made in connection with the DU Class. DU Student MUSSER is enrolled in the DU Class and shall be included in the definition of the DU Students set forth in the DU Class Exemption Order.

This Court finds that DU Student MUSSER is an individual researcher associated with an educational institution and, therefore, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, DU Student MUSSER

has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, DU Student MUSSER shall be exempt from the payment of fees for access via the PACER System to the electronic case files maintained by this Court, but only to the extent such use is incurred in the course of the scholarly research project for the DU Class that is described in the Applications filed by DU Practitioner Ward and the DU Students (ECF Nos. 119-131, 135). The Court finds that the research project for the DU Class that is described in the Applications is intended solely for scholarly research and is limited in scope in that the amount of exempt access requested is narrowly tailored to meet the project's needs.

DU Student MUSSER shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court and is responsible for taking any and all necessary steps to ensure that payment is made for any use of the PACER System that is unrelated to the research project for the DU Class that is described in the Applications. This exemption only applies to the payment of fees for access via the PACER System to the electronic case files maintained by this Court and does not apply to the payment of fees for access to the electronic case files for any other court selected by DU Student MUSSER in her Application. Additionally, the following limitations apply:

- 1) This fee exemption applies only to DU Student MUSSER and is valid only for the scholarly research project described in the Applications;

- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, DU Student MUSSER agrees not to sell for profit any data obtained as a result of receiving this exemption;
- 4) DU Student MUSSER is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via Internet based databases. This prohibition does not prevent DU Student MUSSER from relying upon the data obtained as a result of receiving this exemption in or in connection with any report, paper, article, presentation, or other deliverable associated with the scholarly research project for the DU Class that is described in the Applications;
- 5) This exemption is valid until May 10, 2024.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of Pennsylvania, or her designee, may periodically review activity in the exempt PACER System account of DU Student MUSSER, during the term of this exemption.

Dated: February 16, 2024

BY THE COURT:

/s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge

cc: DU Student MUSSER (*via email*)